

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TENNESSEE

FUSION ELITE ALL STARS, et al.,

Plaintiffs,

v.

VARSITY BRANDS, LLC, et al.,

Defendants.

Case No. 2:20-cv-02600-SHL-cgc

Jury Trial Demanded

**DECLARATION OF KATHERINE VAN DYCK IN SUPPORT OF
PLAINTIFFS' MOTION TO COMPEL DISCOVERY RESPONSES
FROM DEFENDANT U.S. ALL STAR FEDERATION, INC.**

I, Katherine Van Dyck, declare the following under penalty of perjury:

1. I am an attorney with the law firm of Cuneo Gilbert & LaDuca LLP, counsel for Plaintiffs, and Interim Co-Lead Counsel for Direct Purchasers in the above-captioned matter. I make this affidavit on personal knowledge and review of my files, except as otherwise indicated. I submit this declaration in support of Plaintiffs' Motion to Compel Discovery Responses from U.S. All Star Federation, Inc. ("USASF"), filed contemporaneously herewith.

2. Attached as Exhibit 1 are Plaintiffs' First Requests for Production of Documents to USASF, served by Plaintiffs on October 19, 2020

3. Attached as Exhibit 2 is Exhibit A to USASF's Responses and Objections to Plaintiffs' First Requests for Production of Documents, served by USASF on November 18, 2020.

4. Attached as Exhibit 3 is a spreadsheet setting forth a true and accurate summary of hit reports generated and produced by USASF regarding the search terms at issue in Plaintiffs' motion compel discovery responses from USASF.

5. Attached as Exhibit 4 is a spreadsheet setting forth a true and accurate summary of hit reports generated and produced by USASF regarding the search terms to which USASF has agreed.

6. Attached as Exhibit 5 is a true and accurate copy of an e-mail sent by Nicole Berkowitz, counsel for USASF, to Victoria Sims, counsel for Plaintiffs and Interim Co-Lead Counsel for Direct Purchasers, on April 26, 2021.

7. Attached as Exhibit 6 is a true and accurate copy of the webpage entitled “Partners & Affiliate Membership” that is published on USASF’s website, available at <https://www.usASF.net/partner-affiliates> (last accessed May 4, 2021).

8. Attached as Exhibit 7 is a true and accurate copy of a document entitled “Athlete Membership Process,” that is published on USASF’s website and available at <https://usASF.net.ismmmedia.com/ISM2//notesfrommeetings/Athlete+Membership+Process.pdf> (last accessed May 5, 2021).

9. Attached as Exhibit 8 is a true and accurate copy of a document entitled “Credentialing Requirements,” available at <https://thecheerleadingworlds.net/credentialing-requirements/> (last accessed May 5, 2021).

10. Attached as Exhibit 9 is a true and accurate copy of a document entitled “USASF World Divisions,” that is published on USASF’s website and available at https://usASFmain.s3.amazonaws.com/Worlds/docs/20-21/usASF_worlds_cheer_divisions-usASF.pdf (last accessed May 5, 2021).

11. Attached as Exhibit 10 is a true and accurate copy of the webpage entitled “USASF Staff,” that is published on USASF’s website and available at <https://www.usASF.net/staff> (last accessed May 5, 2021).

12. Attached as Exhibit 11 is a true and accurate copy of the webpage entitled “USASF Rules Committee,” that is published on USASF’s website and available at <https://www.usASF.net/committee-rules> (last accessed May 5, 2021).

13. Attached as Exhibit 12 USASF Board of Directors Meeting minutes dated March 1, 2017 and available at https://usASF.net.ismmedia.com/ISM3/std-content/repos/Top/2013%20Website/organization/docs/BOD_Summary_MAR_2017.pdf (last accessed May 5, 2021).

14. Attached as Exhibit 13 is a true and accurate copy of an article published by the Washington Post entitled “‘Cheer’ breakout star Jerry Harris arrested on federal child pornography charge,” published on September 17, 2020 and available at <https://www.washingtonpost.com/arts-entertainment/2020/09/17/jerry-harris-cheer-sexual-misconduct-lawsuit/> (last accessed May 5, 2021).

15. Attached as Exhibit 14 is a true and accurate copy of a press release entitled “FloSports Extends Agreement to Broadcast The Cheerleading and Dance World Championship through 2025 on FloCheer.com,” published on February 6, 2018 and available at <https://www.flosports.tv/2018/02/06/flosports-extends-agreement-to-broadcast-the-cheerleading-and-dance-world-championship-through-2025-on-flocheer-com/> (last accessed May 5, 2021).

16. Attached as Exhibit 15 is a true and accurate copy of a webpage entitled “Scoring” published on the USASF website, available at <https://ism3.Infinityprosports.com/ismdata/2008061200/std-sitebuilder/sites/201301/www/en/worlds/cheer/scoring/> (last accessed May 5, 2021).

17. Attached as Exhibit 16 is a true and accurate copy of a press release entitled “USASF Announces Retirement of President, Appoints Interim Management Team,” published

on April 15, 2021 and available at https://usasfmain.s3.amazonaws.com/Media/docs/2021-04-15_USASF_Announces-Retirement-of-President.pdf (last accessed May 5, 2021).

18. Attached as Exhibit 17 is a true and accurate copy of the LinkedIn profile for Karen Wilson, available at <https://www.linkedin.com/in/karen-wilson-a85bba50/> (last accessed May 5, 2021).

19. Attached as Exhibit 18 is a true and accurate copy of the LinkedIn profile for Glenda Broderick, available at <https://www.linkedin.com/in/glenda-broderick-22789739/> (last accessed May 5, 2021).

20. I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct to the best of my knowledge.

Executed this 5th day of May, 2021 in Washington, DC.

s/ Katherine Van Dyck
Katherine Van Dyck